

**ASSEMBLY BILL**

**No. 1052**

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**Introduced by Assembly Member Caballero**

February 27, 2009

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An act to amend Section 7360 of, and to repeal and add Section 7363 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as introduced, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would delete that repeal, and, instead, make the stamp or validation requirement inoperative as of January 1, 2010. The bill would require the department to implement various provisions related to

expenditures from the account, and by an unspecified date, to prepare and submit to the Legislature a report on the steps taken by the department to comply with those provisions. The bill would require the department, in consultation with the advisory committee, to determine appropriate projects for expenditure of the balance of funds in the account, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7360 of the Fish and Game Code is  
2 amended to read:

3 7360. (a) A person shall not sport fish in the tidal waters of  
4 the San Francisco Bay Delta and the main stem of the Sacramento  
5 and San Joaquin Rivers, including major tributaries, below the  
6 most downstream dam, unless he or she first obtains, in addition  
7 to a valid California sport fishing license and any applicable stamp  
8 or validation issued pursuant to Section 7149 or 7149.05, a  
9 Bay-Delta Sport Fishing Enhancement Stamp or validation and  
10 affixes that stamp or validation to his or her valid California sport  
11 fishing license. Any person issued a sport fishing license pursuant  
12 to paragraph (4) or (5) of subdivision (a) of Section 7149 or  
13 paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not  
14 subject to this division.

15 (b) The commission may modify, by regulation, the geographic  
16 parameters specified in subdivision (a).

17 (c) The department or an authorized license agent shall issue a  
18 Bay-Delta Sport Fishing Enhancement Stamp or validation upon  
19 payment of a base fee of five dollars (\$5), in the 2004 license year,  
20 which shall be adjusted annually thereafter pursuant to Section  
21 713.

22 (d) *This section is inoperative on and after January 1, 2010.*

23 SEC. 2. Section 7363 of the Fish and Game Code is repealed.

24 ~~7363. This article shall remain in effect only until January 1,~~  
25 ~~2010, and as of that date is repealed, unless a later enacted statute~~  
26 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

27 SEC. 3. Section 7363 is added to the Fish and Game Code, to  
28 read:

29 7363. (a) The department shall do all of the following:

- 1 (1) In consultation with the advisory committee, develop a  
2 spending plan that focuses on identifying and funding viable  
3 projects and monitoring revenues to assist the department in  
4 effectively expending available stamp revenues.
- 5 (2) Track and report the costs of projects funded pursuant to  
6 this article by doing both of the following:
- 7 (A) Improve the tracking of individual project expenditures by  
8 assigning a separate account to each project within the department's  
9 accounting system.
- 10 (B) Require a project manager to approve all expenditures  
11 directly related to the manager's projects, periodically reconcile  
12 records for each project with accounting records, and report  
13 expenditures to staff responsible for preparing advisory committee  
14 reports.
- 15 (3) (A) Annually provide the advisory committee with a written  
16 report containing all of the following information:
- 17 (i) Actual project expenditures.  
18 (ii) Detailed information on the status of each project  
19 (iii) Total administrative expenditures.
- 20 (B) The department shall ensure the accuracy of the information  
21 described in subparagraph (A).
- 22 (4) Reimburse the department's general fund appropriation for  
23 any lease payment charged to the department's general fund  
24 appropriation on or before January 1, 2010, that was eligible to be  
25 paid from the account established in Section 7361.
- 26 (5) Ensure that employees of the department appropriately  
27 charge their time to projects funded pursuant to this article by  
28 providing guidelines to employees concerning when to charge  
29 activities to the account established in Section 7361.
- 30 (b) The department shall not charge payroll costs to the account  
31 established in Section 7361 for employee activities that are not  
32 related to the implementation of this article. The department shall  
33 determine whether any other expenditure has been inappropriately  
34 charged to the account established in Section 7361 and shall make  
35 all necessary accounting adjustments.
- 36 (c) By \_\_\_\_\_, the department shall prepare and submit to the  
37 Legislature a report on the steps taken by the department to comply  
38 with subdivisions (a) and (b), including, but not limited to, a plan  
39 for expenditure of available stamp revenues.

1 (d) In consultation with the advisory committee appointed  
2 pursuant to Section 7362, the department shall determine  
3 appropriate projects for expenditure of the balance of funds in the  
4 account established in Section 7361 that will provide for long-term,  
5 sustainable benefit to Bay-Delta sport fisheries, including, but not  
6 limited to, salmon, and that are consistent with the purposes  
7 described in Section 7361.

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